

KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

May 22, 2019

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit Senate File 615, an act relating to appropriations to the justice system, and including effective date and retroactive applicability provisions.

Senate File 615 is approved on this date with the exception of sections 24 and 28, of which I disapprove. These sections would have amended the Attorney General's statutory duties to require the approval of the Governor, Executive Council, or Legislature to prosecute any action or proceeding, including signing onto or authoring amicus briefs or letters of support, in any court or tribunal other than an Iowa state court.

I share many of the concerns expressed by members of the Legislature about the past actions of Attorney General Tom Miller in courts outside of Iowa. He has participated in litigation throughout the nation, repeatedly taking positions in the name of the State of Iowa that are in conflict with Iowa's statutes, the policy goals of the Legislature and Governor, and the best interests of Iowans. But I am cautious about approving a provision that redefines the scope of the Attorney General's duties because I am mindful that the Attorney General is also elected by, and directly accountable to, the people of Iowa.

As a result of the Legislature's leadership on this issue, Attorney General Miller and I have had the opportunity to engage in a thoughtful discussion about the appropriate balance of authority between the Governor and the Attorney General with respect to Iowa's involvement in litigation. And ultimately, Attorney General Miller agreed to my proposal to adjust our litigation practices in a manner that I believe addresses my core concerns without amending Iowa's current statutes.

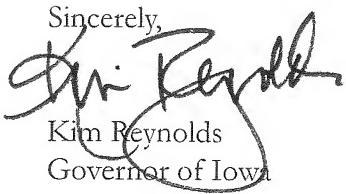
Attorney General Miller has agreed that so long as he serves as Attorney General, he will not prosecute any action or proceeding or sign onto or author an amicus brief in the name of the State of Iowa in any court or tribunal other than an Iowa state court without the consent of the Governor. He retains the authority to participate in litigation or author letters in his own name, as Attorney General of Iowa. Attorney General Miller has also agreed that if the Governor requests that he prosecute an action or proceeding or file an amicus brief in any court, he will do so or facilitate outside counsel, and that such participation requested by the Governor shall be conducted in the name of the State of Iowa.

This agreement is an appropriate interpretation of the authority and duties provided for under existing Iowa law and our constitutional structure. It ensures that the State of Iowa will speak with one consistent voice when it participates in court proceedings outside of our state. And it respects the Attorney General's independent authority and accountability to the people of Iowa.

I commend the Legislature for starting this important discussion and Attorney General Miller for his willingness to reevaluate our practices with respect to engaging in litigation on behalf of the State of Iowa. I look forward to working with Attorney General Miller to ensure that the State's litigation advances the interests of Iowans.

For these reasons, I respectfully disapprove Senate File 615 in part, only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of Senate 615 not disapproved as stated herein is approved on this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Reynolds".

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
 Clerk of the House
 Attorney General Tom Miller